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demonstrated; instead of studying law texts, we need to study the criminal. The criminal by nature has a feeble cranial capacity, a heavy and developed jaw, a large orbital capacity, projecting superciliary ridges, an abnormal and asymmetrical cranium, a scanty beard or none, but abundant hair, projecting ears, frequently a crooked or flat nose. Criminals are subject to Daltonism; lefthandedness is common; their muscular force is feeble. Alcoholic and epileptical degeneration exists in a large number. Histologically, their nerve-centers are frequently pigmented. They blush with difficulty. Their moral degeneration corresponds with their physical, their criminal tendencies are manifested in infancy by onanism, cruelty, inclination to steal, excessive vanity, impulsive character. The criminal by nature is lazy, debauched, cowardly, not susceptible to remorse, without foresight; fond of tattooing; his hand-writing is peculiar, signature complicated and adorned with flourishes; his slang is widely diffused, abbreviated and full of archaisms. In their associations they return to primitive social forms. The general cause of the persistence of an inferior race-type is atavistic. As the born criminal is without remedy he must be continually confined, and allowed no provisional liberty or mercy; the ancient tradition of vigorous initiatives should be upheld; the more we diminish individual responsibility, the more we increase that of society, which is still more severe. Nature is responsible for the born criminal, society (in a great measure) for the criminal by occasion.

The work is full of facts, it shows the sincerity and patience of the author, who is an expert experimenter, and a person of philosophical acuteness. He has given an extensive description of the born criminal considered physically, morally and intellectually. The author seems to us to go too far in holding to the incorrigibility of the born criminal, and in not allowing him provisional liberty; the incurability of the recidivist is pushed too far, for neither of these positions are supported by a sufficient number of scientific facts.

La Criminologie, étude sur la nature du crime et la théorie de la pénalité,
par R. GAROFALO, agrégé de l'université de Naples. Paris. 1888.
pp. 420.

The science of pœnology must not rest on the idea of freedom, which is in contradiction with scientific facts; on the idea of freedom the hardest criminal should go free as he has least control over his acts. The pœnological criterion is social necessity, abandoning the idea of moral responsibility of the individual. The present system has neither cured, nor terrified the prisoner; after his sentence is served, he is as dangerous as ever. The laws should be changed so as to be in accordance with criminological facts. Crime is a harmful action, that injures at the same time the moral sense of aggregate humanity. Murder, parricide, infanticide, robbery have not always been crimes; but the analysis of the sentiments and not of actions is the basis for a criterion. The race possesses innate moral instincts as it does a physical type; when the moral sense becomes psychical, it is subject to alterations, diseases, can be lost or wanting, a parallel to any other organic monstrosity. The moral sense of aggregate humanity consists only in the altruistic sentiments which can be reduced to benevolence and justice. A crime is the violation of the elementary altruistic sentiments of pity and probity. In Europe the relative increase of crime has advanced with civilization which shows that the present methods are almost a failure. Punishments have become less severe; moral responsibility is more considered and capital punishment is rare.

A criminal type is as well established as an Italian type; not a single characteristic constantly distinguishes this type, but the proportion of congenital anomalies is larger in any given number of criminals than in

an equal number of non-criminals. Recidivation of the criminal is the rule, reformation the exception. The absence of elementary moral instincts is not an infirmity; instinctive criminals are not sick nor insane; perversity is natural. The criminal is a being at present unadapted to surrounding circumstances; he is a monster, and presents the traits of past racial regression. All criminals are born, but predisposition does not exclude the influence of surroundings. One class of criminals are those with regressive, arrested moral development, innate criminals; for these society has but one remedy: elimination. Another class are those somewhat deficient in the feeling of pity; and a third class lack the sentiment of probity. Atavistic perversity exists in spite of the best surroundings; the influence of intellectual instruction is almost null. In Spain, where two thirds of the population are illiterate, criminals are few. Religious instruction, if begun early, and if its purpose is moral teaching, has good influence, except in the graver cases. Crimes due to cupidity will not cease by bettering the social conditions. Economic conditions may change the form of crime, but they are not a cause of crime in general. In the first half of this century a high degree of criminality was greatly reduced, in the second half (1828-84) crime has increased enormously and punishment has been made milder, the increase of recidivists is greater than that of all criminality; this points to a concentration which should render its prevention easier. Murder severely injures the moral sense of the community, a reaction in the form of desire of exclusion from society is produced, through lack of adaptation. The only absolute means of exclusion is death, but this applies only to the criminal by nature. It is the duty of society to eliminate those who are utterly unadapted to society. Punishment is not to punish the criminal, but to eliminate him absolutely or partially. The death penalty has given England the fewest criminals of all Europe. The common ideas, that there is no crime without moral responsibility, and that punishment should be in proportion to the gravity of the crime, are incompatible with scientific facts. It should be first determined to what class of criminals the culprit belongs; a man, who hires an assassin to kill the individual who outraged his family, is quite a different criminal from the assassin. The cause of a murder, and the absence of any grave injury on the part of the victim are the criterions to be substituted for premeditation. The worst criminals commit murder without premeditation; but in the case of the criminals by occasion, premeditation indicates a cruel nature, and elimination may be necessary; for the other classes of criminals, deportation, fine, removal to another environment, agricultural colonies, work for the state, etc. etc. The controlling ideas of the author are social utility, and the natural reaction against crime.

The author's extensive experience as a magistrate gives peculiar interest to his views on the penological side of criminality. He seems to us to draw too sharp a line between abnormality and disease. The born criminal is wholly teratological, a moral monster; but a teratological characteristic may arise from a deviation in utero—a real disease of the egg. His insistence on the absolute elimination of the born criminal is extreme; first, because it assumes the criminal's utter want of adaptation to society, which is not warranted by a sufficient number of facts; second, admitting his want of adaption, we fail to see why a society in which the public conscience is highly sensitive, might not substitute perpetual detention; for it is a question of social utility, whether the hardening of the public conscience is not morally injurious.

Concetto e limiti della sociologia criminale. CALAJANNI NAPOLEONI.
Rivista di filosofia scientifica. Novembre, 1888.

The writer is the standard-bearer and the principal authority among Italian socialists. In human society development is not always normal;